

REMARKS

The present application is a divisional application of Application Serial Number 10/299,915, filed November 19, 2002, which is a Reissue application of Application Serial Number 09/249,547, filed February 12, 1999, now U.S. Patent No. 6,148,925. The present application claims priority to the filing date of February 12, 1999.

A separate sheet titled Claims is attached hereto setting forth the claims in the application. Original claims 1-24 have been canceled without prejudice.

This preliminary amendment is being filed with a pending reissue patent application. Reissue Application is submitted to correct errors in U.S. Patent No. 6,148,925, which include the Patentee claiming less than the Patentee had a right to claim in the patent.

Applicant asserts that claims 29 and 31 as amended satisfy the requirement of 35 U.S.C. § 251. The new claims are described in the original patent specification and are enabled by the original patent specification such that 35 U.S.C. § 112 first paragraph is satisfied. Nothing in the original patent specification indicates an intent not to claim the subject matter of the claims presented in this reissue application.

Pursuant to 37 CFR 1.178 the original patent, or a statement as to loss of inaccessibility of the original patent, will be delivered before the allowance of the reissue application.

Applicant has complied with 37 CFR 1.175(a)(1) which states:

(a) The reissue oath or declaration in addition to complying with the requirements of 1.63, must also state that:

(1) The applicant believes the original patent to be wholly or partly inoperative or invalid by reason of a defective specification or drawing, or by reason of the patentee claiming more or less than the patentee had the right to claim in the patent, stating at least one error being relied upon as the basis for reissue; and

In compliance with CFR 1.175(a)(1), In the Reissue Application Declaration By The Inventor, the Applicant states that " I verily believe the original patent to be wholly or partly

inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

X by reason of the patentee claiming more or less than he had the right to claim in the patent."

The Applicant then states:

At least one error upon which reissue is based is described below. If the reissue is a broadening Reissue, such must be stated with an explanation as to the nature of the broadening:

This reissue is a broadening reissue. The nature of the broadening is by way of the correction of the above-identified error. In particular, the reissue is broadened to the extent that claims 25-33 are newly added by way of a preliminary amendment. Claims 25-33 are directed towards a conductive wire line made of a small diameter tubing having one or more optical fibers extending through the tubing in a helical configuration. The subject matter of claims 25-33 was not claimed under the issued claims of Patent No. 6,148,925.

Applicant notes that the defect lies in the subject matter of claims 25-33 not claimed under the issued claims of Patent No. 6,148,925.

Applicant respectfully requests that this Preliminary Amendment be entered into the case prior to examination. In the event that minor claim amendments are necessary to meet formal requirements, Applicant invites the Examiner to telephone the undersigned so that appropriate amendments can be made.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: SEPT. 30, 2003

Attachments

Respectfully submitted,

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